

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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HERMAN BUSS KG MS  
“ELBE TRADER” GMBH & CO.

Plaintiff,

**08-CV-5309 (GBD)**

- against -

**EX PARTE MOTION TO DISMISS**

T.S. LINES LTD.

Defendant

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NOW INTO COURT, through undersigned counsel, comes Plaintiff, HERMAN BUSS KG MS “ELBE TRADER” GMBH & CO. (“HERMAN BUSS”), and upon representing to this Honorable Court that the above-captioned civil action has been settled, adjusted and compromised in full and that HERMAN BUSS desires to dismiss without prejudice its claims against defendant, T.S. LINES LTD., each party to bear its own costs.

Plaintiff, HERMAN BUSS, respectfully moves this Honorable Court for the entry of an Order dismissing all claims against defendant, T.S. LINES LTD., without prejudice, each party to bear its own costs and attorneys’ fees.

Dated: New York, New York  
August 19, 2008

/s/ Jason P. Waguespack  
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COUNSEL FOR BELUGA CHARTERING GMBH

**CERTIFICATE OF SERVICE**

I do hereby certify that on August 19, 2008, I electronically filed the foregoing with the Clerk of Court by using the CM/ECF system, which will send a notice of electronic filing to all participating counsel of record.

/s/ Jason P. Waguespack  
JASON P. WAGUESPACK

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X

HERMAN BUSS KG MS  
"ELBE TRADER" GMBH & CO.

Plaintiff,

**08-CV-5309 (GBD)**

- against -

**ORDER OF DISMISSAL**  
**WITHOUT PREJUDICE**

T.S. LINES LTD.

Defendant

-----X

An application having been made by counsel for Plaintiff for an Order Dismissing  
Defendant Without Prejudice,

NOW, good cause having been shown, it is hereby

ORDERED that the above entitled and numbered cause and all claims  
asserted therein be DISMISSED WITHOUT PREJUDICE, each party bearing its  
own costs and attorneys' fees.

Dated: New York, New York  
August \_\_, 2008

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**UNITED STATES DISTRICT JUDGE**